IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6109 of 2006

CRIME No.279 OF 2006 OF KOIPURAM POLICE STATION

PETITIONER/ACCUSED NOS 1 AND 2

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1. VINOD ALIAS VINODKUMAR V.R AGE 17 (MINOR S/O.T.G.RADHAKRISHNAN NAIR (KUTTAN PILLAI), VELLAMAVUNKAL, KOLABHAGOM, THADIYOOR, PATHANAMTHITTA DISTRICT, REPRESENTD BY HIS FATHER AND NATURAL GUARDIAN,T.G.RADHAKRISHNAN NAIR,VELLAM -AVUNKAL, KOABHAGOM, THADIYOOR, PATHANAMTHITTA DT.

2. T.G.RADHAKRISHNAN NAIR,ALIAS KUTTAN NAIR ALIAS KUTTAN PILLAI, AGED 70, VELLAMAVUNKAL, KOLABHAGOM, THADIYOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.JOSEPH GEORGE

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE S.I.OF POLICE, KOIPURAM POLICE STATION, PATHANAMTHITTA DISTRICT, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6109 of 2006

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Dated this the 12th day of October, 2006

O R D E R

The petitioners 1 and 2, are facing the allegation under Section 308 I.P.C., read with Section 34 of the Indian Penal Code as well as Rules 20 and 21 of Minor Mineral Concession Rules. The allegation is that the first petitioner, who is only aged 17 years, drove a lorry with sand and, the second petitioner, who is 70 years of age, was also present in that cabin. In the case diary file, the age of the first petitioner is shown as 18. However, the copy of the S.S.L.C certificate produced, reveal that the date of birth of the first petitioner is 12/10/1988. Thus, on the date of occurrence, on 29/09/2006, the petitioner has not completed his 18th year of age. Thus, he is a juvenile, as per Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act, 2000.

2. After hearing both sides, I direct the first petitioner, Vinodkumar, to appear before the Chief Judicial

Magistrate Court, Pathanamthitta, on 20/10/2006, at 10.30 a.m. The learned Magistrate shall proceed against the first petitioner, Vinodkumar, according to the law, after hearing the learned Public Prosecutor and the counsel for the first petitioner.

3. The second petitioner, Radhakrishnan Nair, the second accused, shall surrender before the Investigating Officer, who is investigating Crime No.279/2006 of Koipuram Police Station, on 19/10/2006, between 9.30 a.m and 10 a.m. The Investigating Officer shall interrogate him and thereafter, produce him before the court below, according to the law.

4. The learned Magistrate, before whom, the second accused is produced shall hear both sides and pass appropriate orders on merit.

(J.M.JAMES)
Judge

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